



MERIT SYSTEMS PROTECTION BOARD FORM 185-6 WHISTLEBLOWER STAY REQUEST

Complete this form and attach it to MSPB Form 185-1 if you are requesting a STAY of an agency action or decision that you claim was based on whistleblowing. You may request a stay of an action or decision allegedly based on whistleblowing at any time after you become eligible to file a whistleblower appeal with the Board under 5 CFR 1209.5, but no later than the time limit set for the close of discovery in your appeal. Your stay request may be filed prior to, simultaneously with, or after the filing of your appeal. See 5 CFR 1209.8.

When you file a stay request with the Board, you must **SIMULTANEOUSLY** serve it on the agency's local servicing personnel office or the agency's designated representative.

- If you are filing this stay request **PRIOR TO** filing an appeal with the Board, complete and sign MSPB Form 185-1 and attach this form to it. Also attach MSPB Form 185-5 and answer questions 1 through 4; answer questions 6 through 8 **ONLY** if you previously filed a complaint with the Special Counsel.
- If you are filing this stay request **WITH** your whistleblower appeal, complete this form and attach it to your completed MSPB Form 185-1 and MSPB Form 185-5. (You must serve these three forms, which comprise your stay request, on the agency at the same time you file your appeal. The Board will serve a copy of your entire appeal on the agency after it is filed.)
- If you are filing this stay request **AFTER** you filed your whistleblower appeal, answer questions 1 through 3 on MSPB Form 185-1, sign it at question 14, then complete and attach this form to it. **WRITE THE MSPB DOCKET NUMBER OF YOUR WHISTLEBLOWER APPEAL IN THE SPACE ABOVE QUESTION 1 ON MSPB FORM 185-1.**

The Board is authorized to grant a stay **ONLY** in an appeal of an agency action or decision that is allegedly based on whistleblowing. Please **DO NOT** complete this form for any other kind of appeal.

Please type or print legibly.

OMB No. 3124-0009

Name (last, first, middle initial)

1. Explain why you believe that there is a substantial likelihood that you will prevail on the merits of your whistleblower appeal.

2. If the Board grants your request for a stay, how long should it remain in effect?

OPTIONAL: Answer question 3 only if you choose to address this issue.

3. Do you believe a stay would impose extreme hardship on the agency? Explain.

Attach a **certificate of service** specifying how and when your stay request was served on the agency.

If necessary, attach additional sheets to complete your answers to these questions. If you do, **put your name and address at the top of each page**. Attach any documentary evidence that supports your stay request.